



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
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BOSTON, MA 02109-3912

AUG 12 2014

Michelle Morin
Chief, Environment Branch for Renewable Energy
Environmental Division
Bureau of Ocean Energy Management
381 Elden Street
Mail Stop 1328
Herndon, VA 20170

Dear Ms. Morin,

We have read the decision *Public Employees for Environmental Responsibility et al., 1:10-cv-01067-RBW (D.D.C., March 14, 2014)*, and are in receipt of copies of two letters addressed to you: one dated May 21, 2014, from John K. Bullard, Regional Administrator for the Northeast Region of the National Marine Fisheries, National Oceanic and Atmospheric Administration; and a second letter dated June 27, 2014, from Paul R. Phifer, Assistant Regional Director, Ecological Services, Fish and Wildlife Service.

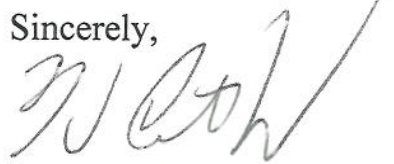
In response to the above referenced decision, Mr. Bullard's letter advises that the Incidental Take Statement (ITS) issued on December 30, 2010, is amended to include a new section entitled "ESA Listed Marine Mammals." He states that "The amended ITS includes Reasonable and Prudent Measures and implementing Terms and Conditions necessary and appropriate for monitoring and reporting any incidental take of listed whales..." He also states that "The amended ITS still includes the measures required to minimize, monitor, and report any take of sea turtles." The amended ITS, attached to the letter, states that "This concludes formal consultation with BOEM, ACOE and EPA regarding the proposed construction, operation and future decommissioning by Cape Wind Associates LLC of a wind energy project on Horseshoe Shoal."

Dr. Phifer's letter concludes that the Service has conducted the Court-ordered independent analyses of the reasonable and prudent measures, has made an administrative amendment to the Incidental Take Statement issued on November 21, 2008, and finds that no substantive changes to the final reasonable and prudent

measures in the ITS issued on November 21, 2008, are warranted. His letter states that the "consultation is complete" and confirms that the Army Corps of Engineers, Department of Energy and Environmental Protection Agency "may continue to rely on the BO [Biological Opinion] and ITS, as herein amended."

Based on these letters, and after reviewing our permit record, EPA finds no reason at this time to revisit the Outer Continental Shelf Air Permit issued by EPA for the Cape Wind Energy Project OCS-R1-01 concerning these issues, and finds that reinitiation of consultation is unnecessary. If you have any questions please contact Ida McDonnell at (617) 918-1653 or by electronic mail at mcdonnell.ida@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. Spalding", with a long, sweeping horizontal line extending to the right.

H. Curtis Spalding
Regional Administrator